

604 PUEBLO



BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 FOR
WEDNESDAY, NOVEMBER 28, 2012

ENVIRONMENTAL SERVICES DEPARTMENT
CODE COMPLIANCE DIVISION

MEMORANDUM
November 12, 2012

TO: The Honorable Chairman and Board Members

THROUGH: Kurt Fenstermacher, Deputy Director, Environmental Services Department

FROM: Bill Stern, Deputy Building Official

SUBJECT: 604 Pueblo Street, El Paso, Texas 79903-5214

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on August 27, 2010 and recently investigated on September 3, 2012. The structure was found open, abandoned and in an advanced state of disrepair. According to Central Appraisal records this single family dwelling was built in 1949, constructed of CMU and wood framing and a wood framed roof structure. The three porches are deteriorated and dry rotted and a section of the side porch has collapsed. The accessory structures are collapsing and should be demolished. The abandoned structure is full of hoarding and trash strewn throughout the interior. The plumbing, mechanical and electrical systems are inadequate and noncompliant. There are weeds, trash and debris throughout the property.
- 2) A certified condemnation letter was mailed to John B. McFadden, Jr.
- 3) Certified notices of the public hearing scheduled for November 28, 2012 were mailed to the owners and all interested parties on November 7, 2012.
- 4) As of November 12, 2012, \$12,004.43 in taxes is owed.

The owners have been notified of the property maintenance violations at this property. To date, there has been no response or corrective action taken, and therefore, the Division recommends that it be found:

- 1) That the structures are substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the main structure can be rehabilitated; and
- 5) That the structure be secured within thirty (30) days; and maintained secure until rehabilitated; and
- 6) That the three porches and two accessory structures be demolished within thirty (30) days; and
- 7) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
- 8) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission, the City may take whatever action is necessary to bring the property into compliance and place a lien on the property for the work which will be done by the City.

Code Compliance Division

September 4, 2012

NOTICE OF VIOLATION

John B. McFadden Jr.
604 Pueblo St.
El Paso, Texas 79903-5214

Re: 604 Pueblo St.
Blk: 22 Loretto Place
Lot: N 53 ft of 176
Zoned: R-4
ENHS11-01067
7108 2133 3932 6884 4930

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.108.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.108.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.108.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.108.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **604 Pueblo St., El Paso, Texas, 79903** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- b. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Prosecutor's Office for court proceedings. The court will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-6290.

Kevin Harrell
Building Inspector

NOTICE OF PUBLIC HEARING

To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

LOCATION: El Paso City Hall, 2 Civic Center Plaza, Council Chamber, 2nd Floor, El Paso, Texas 79901

DATE: November 28, 2012

TIME: 5:30 p.m.

PROPERTY: 604 PUEBLO STREET, EL PASO, TEXAS also described as the North 53 feet of Lot 176 in Block 22 of LORETTO PLACE an addition to the City of El Paso, El Paso County, Texas, according to the map of the 2nd Section thereof filed in the back of Book 556, Deed Records of El Paso County, Texas.

The Property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, John B. McFadden, Jr. and Cheryl Mae McFadden, 604 Pueblo Street, TX 79903-5214, are the owners, herein after referred to as the "Owners" of the Property. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20th day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about September 5, 2012 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- a. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- b. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed,

you must make this request to the Environmental Services Department, Code Compliance Division.

The Owners are entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owners advocate for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owners fail to comply with the order of the Commission the City may pursue one or more of the following actions:

- Perform any and all work necessary to bring the property into compliance with the Commission's order;

- Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

- Appoint a receiver as permitted by state law; and

- Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order.

The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

**FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO
TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE
ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.**

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM
CONTENT

John R. Batoon
Assistant City Attorney

APPROVED AS TO

Bill Stern, C.B.O.
Deputy Building Official
Code Compliance Division

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 604 Pueblo Street, El Paso, Texas was PUBLISHED in the official City newspaper on the day of _____, 2012.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 604 Pueblo Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

John B. Mc Fadden, Jr & Mae Mc Fadden
604 Pueblo Street
El Paso, TX 79903-5214

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 604 Pueblo Street was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 604 Pueblo Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 604 Pueblo Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 604 Pueblo Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 604 Pueblo Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice was POSTED at 604 Pueblo Street, El Paso, Texas.

Date: _____

Time: _____

Inspector: _____



UNSAFE STRUCTURES REPORT

CODE COMPLIANCE DIVISION

DATE OF EXAMINATION: 11-9-12

REP. DISTRICT: 2

ADDRESS: 604 Pueblo

ZONED: R-4

LEGAL DESCRIPTION: N53 ft of Lot 176, Block 22, Loretto Place Addition

OWNER: John B. McFadden, Jr. and Cheryl Mae McFadden

ADDRESS: 604 Pueblo Street
El Paso, Texas 79903

BUILDING USE: Dilapidated open and abandoned single family dwelling

TYPE OF CONSTRUCTION: IIIB – Cinder block

FOOTINGS: Concrete

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: Concrete

CONDITION: Poor. The small stem wall is deteriorated and detaching from the main structure.

FLOOR STRUCTURE: Concrete slab on grade

CONDITION: Poor. Unable to determine the condition of the floor system or floor coverings due to hoarding of personal items and trash strewn throughout the floor. A structural engineer should be hired to evaluate actual condition of the flooring system.

EXTERIOR WALLS: CMU

HEIGHT: 12' +/-

THICKNESS: 8" +/-

CONDITION: Fair. Only cleaning and minor repairs are needed. There are 3 dilapidated porches that need to be demolished/removed.

INTERIOR WALLS & CEILINGS: 2 x 4 Wood framing covered with sheet rock.

CONDITION: Poor. The sheet rock ceiling collapsed, exposing the dry rotted wood membranes.

ROOF STRUCTURE: Flat roof, wood frame w/rolled composition roofing.

CONDITION: Poor. A registered roofing or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into compliance.

DOORS, WINDOWS, ETC.: Wood frame doors and metal frame casement windows
CONDITION: Poor. Most doors and windows are broken and need to be replaced to meet egress.

MEANS OF EGRESS: N/A
CONDITION: N/A

PLUMBING: A licensed plumber should be hired to bring the plumbing system up to code.

ELECTRICAL: A licensed electrician should be hired to bring system up to code.

MECHANICAL: A licensed mechanical contractor should be hired to bring the mechanical system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 1

WARNING POSTED: No **BARRICADED:** NO **POLICE AID REQD.:** No

REMARKS: This substandard dilapidated single family dwelling built in 1949 according to Central Appraisal records. The main structure should be secured within thirty (30) days and maintained secure until rehabilitated. The deteriorated, dry rotted porches should be demolished within thirty (30) days. The accessory structures should be demolished within thirty (30) days. The property should be cleaned within thirty (30) days and maintained clean.

Nellie Avalos
Building Inspector

Account Status

[Prev. Acc...](#)
[Next Acc...](#)
[Prev. Owner](#)
[Next Owner](#)
[Acct History](#)
[Acct Summary](#)
[Notes](#)

Go To:

EVAR
 ACT8006 v1.225

11/12/2012 11:22
 ACTEP

STATUS DETAIL

Expand Fees

Summary

Account Information

Account No. **1681-999-0220-2200** Roll Code **REAL PROPERTY**
 Certified Owner **MC FADDEN JOHN B JR**
 Parcel Address **604 PUEBLO ST**
 Amount Due as of **11/12/2012** CAD No. **12320**

Tax Units

Tax Unit Description

List of Tax Units

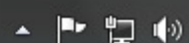
Amount Due/Paid Information

Year	Gross Value	H	O	V	D		Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2012	\$62,048	Y				Exemption	\$1,380.05	\$0.00	\$0.00	\$1,380.05	\$0.00	\$0.00	\$1,380.05
2011	\$58,881	Y				Exemption	\$1,272.54	\$0.00	\$0.00	\$1,272.54	\$583.55	\$0.00	\$1,856.09
2010	\$58,881	Y				Exemption	\$1,260.40	\$0.00	\$0.00	\$1,260.40	\$759.15	\$0.00	\$2,019.55
2009	\$59,540	Y				Exemption	\$2,295.54	\$0.00	\$0.00	\$2,295.54	\$931.85	\$0.00	\$3,227.39
2008	\$59,787	Y				Exemption	\$1,259.93	\$1,259.93	\$0.00	\$0.00	\$188.99	\$0.00	\$0.00
2007	\$65,753	Y				Exemption	\$1,257.92	\$33.09	\$0.00	\$1,224.83	\$1,265.39	\$0.00	\$2,490.22
2006	\$56,728	Y				Exemption	\$1,308.12	\$834.48	\$0.00	\$473.64	\$557.49	\$0.00	\$1,031.13
2005	\$48,881	Y				Exemption	\$1,253.63	\$1,253.63	\$0.00	\$0.00	\$729.82	\$0.00	\$0.00
2004	\$47,564	Y					\$1,207.81	\$1,207.81	\$0.00	\$0.00	\$782.06	\$0.00	\$0.00
Totals							\$15,925.81	\$8,018.81	\$0.00	\$7,907.00	\$7,789.05	\$0.00	\$12,004.43

Last Payment
 Date

Last Payer

Alert



10:22 AM
 11/12/2012